

Union Calendar No. 337

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 3830**

[Report No. 105-598]

**A BILL**

To provide for the exchange of certain lands within  
the State of Utah.

JUNE 24, 1998

Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1998

Mr. HANSEN (for himself, Mr. COOK, and Mr. CANNON) introduced the following bill; which was referred to the Committee on Resources

JUNE 24, 1998

Additional sponsors: Mr. FALEOMAVAEGA, Mr. PAPPAS, and Mr. FRELINGHUYSEN

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## A BILL

To provide for the exchange of certain lands within the State of Utah.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Utah Schools and  
3 Lands Exchange Act of 1998”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) The State of Utah owns approximately  
7 176,600 acres of land, as well as approximately  
8 24,165 acres of mineral interests, administered by  
9 the Utah School and Institutional Trust Lands  
10 Administration, within the exterior boundaries of the  
11 Grand Staircase-Escalante National Monument, es-  
12 tablished by Presidential proclamation on September  
13 18, 1996, pursuant to section 2 of the Antiquities  
14 Act of 1906 (16 U.S.C. 431). The State of Utah  
15 also owns approximately 200,000 acres of land, and  
16 76,000 acres of mineral interests, administered by  
17 the Utah School and Institutional Trust Lands Ad-  
18 ministration, within the exterior boundaries of sev-  
19 eral units of the National Park System and the Na-  
20 tional Forest System, and within certain Indian res-  
21 ervations in Utah. These lands were granted by Con-  
22 gress to the State of Utah pursuant to the Utah En-  
23 abling Act, chap. 138, 28 Stat. 107 (1894), to be  
24 held in trust for the benefit of the State’s public  
25 school system and other public institutions.

1           (2) Many of the State school trust lands within  
2           the monument may contain significant economic  
3           quantities of mineral resources, including coal, oil,  
4           and gas, tar sands, coalbed methane, titanium, ura-  
5           nium, and other energy and metalliferous minerals.  
6           Certain State school trust lands within the Monu-  
7           ment, like the Federal lands comprising the Monu-  
8           ment, have substantial noneconomic scientific, his-  
9           toric, cultural, scenic, recreational, and natural re-  
10          sources, including ancient Native American archeo-  
11          logical sites and rare plant and animal communities.

12          (3) Development of surface and mineral re-  
13          sources on State school trust lands within the monu-  
14          ment could be incompatible with the preservation of  
15          these scientific and historic resources for which the  
16          monument was established. Federal acquisition of  
17          State school trust lands within the monument would  
18          eliminate this potential incompatibility, and would  
19          enhance management of the Grand Staircase-  
20          Escalante National Monument.

21          (4) The United States owns lands and interest  
22          in lands outside of the monument that can be trans-  
23          ferred to the State of Utah in exchange for the  
24          monument inholdings without jeopardizing Federal  
25          management objectives or needs.

1           (5) In 1993, Congress passed and the President  
2           signed Public Law 103–93, which contained a proc-  
3           ess for exchanging State of Utah school trust  
4           inholdings in the National Park System, the Na-  
5           tional Forest System, and certain Indian reserva-  
6           tions in Utah. Among other things, it identified var-  
7           ious Federal lands and interests in land that were  
8           available to exchange for these State inholdings.

9           (6) Although Public Law 103–93 offered the  
10          hope of a prompt, orderly exchange of State  
11          inholdings for Federal lands elsewhere, implementa-  
12          tion of the legislation has been very slow. Comple-  
13          tion of this process is realistically estimated to be  
14          many years away, at great expense to both the State  
15          and the United States in the form of expert wit-  
16          nesses, lawyers, appraisers, and other litigation  
17          costs.

18          (7) The State also owns approximately 2,560  
19          acres of land in or near the Alton coal field which  
20          has been declared an area unsuitable for coal mining  
21          under the terms of the Surface Mining Control and  
22          Reclamation Act. This land is also administered by  
23          the Utah School and Institutional Trust Lands Ad-  
24          ministration, but its use is limited given this dec-  
25          laration.

1           (8) The large presence of State school trust  
2       land inholdings in the monument, national parks,  
3       national forests, and Indian reservations make land  
4       and resource management in these areas difficult,  
5       costly, and controversial for both the State of Utah  
6       and the United States.

7           (9) It is in the public interest to reach agree-  
8       ment on exchange of inholdings, on terms fair to  
9       both the State and the United States. Agreement  
10      saves much time and delay in meeting the expecta-  
11      tions of the State school and institutional trusts, in  
12      simplifying management of Federal and Indian lands  
13      and resources, and in avoiding expensive, protracted  
14      litigation under Public Law 103–93.

15          (10) The State of Utah and the United States  
16      have reached an agreement under which the State  
17      would exchange of all its State school trust lands  
18      within the monument, and specified inholdings in  
19      national parks, forests, and Indian reservations that  
20      are subject to Public Law 103–93, for various Fed-  
21      eral lands and interests in lands located outside the  
22      monument, including Federal lands and interests  
23      identified as available for exchange in Public Law  
24      103–93 and additional Federal lands and interests  
25      in lands.

1           (11) The State school trust lands to be con-  
2       veyed to the Federal Government include properties  
3       within units of the National Park System, the Na-  
4       tional Forest System, and the Grand Staircase-  
5       Escalante National Monument. The Federal assets  
6       made available for exchange with the State were se-  
7       lected with a great sensitivity to environmental con-  
8       cerns and a belief and expectation by both parties  
9       that Federal assets to be conveyed to the State  
10      would be unlikely to trigger significant environ-  
11      mental controversy.

12          (12) The parties agreed at the outset of nego-  
13      tiations to avoid identifying Federal assets for con-  
14      veyance to the State where any of the following was  
15      known to exist or likely to be an issue as a result  
16      of foreseeable future uses of the land: significant  
17      wildlife resources, endangered species habitat, sig-  
18      nificant archaeological resources, areas of critical en-  
19      vironmental concern, coal resources requiring sur-  
20      face mining to extract the mineral deposits, wilder-  
21      ness study areas, significant recreational areas, or  
22      any other lands known to raise significant environ-  
23      mental concerns of any kind.

24          (13) The parties further agreed that the use of  
25      any mineral interests obtained by the State of Utah

1       where the Federal Government retains surface and  
2       other interest, will not conflict with established Fed-  
3       eral land and environmental management objectives,  
4       and shall be fully subject to all environmental regu-  
5       lations applicable to development of non-Federal  
6       mineral interest on Federal lands.

7           (14) Because the inholdings to be acquired by  
8       the Federal Government include properties within  
9       the boundaries of some of the most renowned con-  
10      servation land units in the United States, and be-  
11      cause a mission of the Utah School and Institutional  
12      Trust Lands Administration is to produce economic  
13      benefits for Utah's public schools and other bene-  
14      ficiary institutions, the exchange of lands called for  
15      in this agreement will resolve many longstanding en-  
16      vironmental conflicts and further the interest of the  
17      State trust lands, the school children of Utah, and  
18      these conservation resources.

19           (15) The Congress finds that, under this Agree-  
20      ment taken as a whole, the State interests to be con-  
21      veyed to the United States by the State of Utah,  
22      and the Federal interests and payments to be con-  
23      veyed to the State of Utah by the United States, are  
24      approximately equal in value.



1           (16) The purpose of this legislation is to enact  
2           into law and direct prompt implementation of this  
3           historic agreement.

4   **SEC. 3. RATIFICATION OF AGREED EXCHANGE BETWEEN**  
5                           **THE STATE OF UTAH AND THE DEPARTMENT**  
6                           **OF THE INTERIOR.**

7           (a) AGREEMENT.—The State of Utah and the De-  
8           partment of the Interior have agreed to exchange certain  
9           Federal lands, Federal mineral interests, and payment of  
10          money for lands and mineral interests managed by the  
11          Utah School and Institutional Trust Lands Administra-  
12          tion, lands and mineral interests of approximately equal  
13          value inheld within the Grand Staircase-Escalante Na-  
14          tional Monument the Goshute and Navajo Indian Reserva-  
15          tions, units of the national park system, the national for-  
16          est system, and the Alton coal fields.

17          (b) RATIFICATION.—All terms, conditions, proce-  
18          dures, covenants, reservations, and other provisions set  
19          forth in the document entitled “Agreement to Exchange  
20          Utah School Trust Lands Between the State of Utah and  
21          the United States of America” (herein referred to as “the  
22          Agreement”) are hereby incorporated in this title, are rati-  
23          fied and confirmed, and set forth the obligations and com-  
24          mitments of the United States, the State of Utah, and  
25          Utah School and Institutional Trust Lands Administra-

tion (herein referred to as “SITLA”), as a matter of Federal law.

**SEC. 4. LEGAL DESCRIPTIONS.**

(a) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.

(b) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(c) CONFLICT.—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

**SEC. 5. COSTS.**

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

**SEC. 6. REPEAL OF PUBLIC LAW 103–93 AND PUBLIC LAW 104–211.**

The provisions of Public Law 103–93 (107 Stat. 995), other than section 7(b)(1), section 7(b)(3) and section 10(b) thereof, are hereby repealed. Public Law 104–211 (110 Stat. 3013) is hereby repealed.

1   **SEC. 7. CASH PAYMENT PREVIOUSLY AUTHORIZED.**

2       As previously authorized and made available by sec-  
3   tion 7(b)(1) and (b)(3) of Public Law 103–93, upon com-  
4   pletion of all conveyances described in the Agreement, the  
5   United States shall pay \$50,000,000 to the State of Utah  
6   from funds not otherwise appropriated from the Treasury.

7   **SEC. 8. SCHEDULE FOR CONVEYANCES.**

8       All conveyances under sections 2 and 3 of the agree-  
9   ment shall be completed within 70 days after the enact-  
10   ment of this Act.